

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULI WINTJEN, on behalf of herself and all others similarly situated,)	2:19-CV-00069-CCW
)	
Plaintiff,)	
)	
vs.)	
)	
DENNY’S INC.,)	
)	
Defendant.)	
)	

**JOINT MOTION TO BIFURCATE AND STAY PROCEEDINGS PURSUANT TO
PARTIAL SETTLEMENT**

Plaintiff Juli Wintjen, on behalf of herself and all others similarly situated (“Plaintiff”), and Defendant Denny’s, Inc. (“Defendant” or “Denny’s”), respectfully move this Court pursuant to Federal Rule of Civil Procedure 42(b), and the parties' partial settlement, to bifurcate Plaintiff’s claim that Denny’s failed to pay Plaintiff, and members of the conditionally certified collective action (“Opt-in Plaintiffs”), full minimum wage for hours spent performing either non-tipped duties and/or excessive "side work" duties (hereinafter “80/20 Claim”), and stay all proceedings as to that claim.

As a condition of their settlement agreement, the parties move the Court to bifurcate the 80/20 Claim so that the settlement approval procedure may proceed independently of the remaining unsettled claims. A joint memorandum in support of this motion and a proposed order are attached.

Respectfully submitted,

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**PROPOSED ORDER GRANTING JOINT MOTION
TO BIFURCATE**

Pursuant to Fed. R. Civ. P. 42(b), for the reasons set forth in Joint Motion to Bifurcate (“Motion”), and for good cause shown, the Motion is hereby GRANTED. Plaintiff’s claim that Denny’s failed to pay Plaintiff, and members of the conditionally certified collective action (“Opt-in Plaintiffs”), minimum wage for hours spent performing non-tip generating work (hereinafter “Dual Jobs Claim”) shall be bifurcated so that the settlement approval procedure may proceed independently of the remaining unsettled claims.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE